



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2015

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C O R A M

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P. (MD) No.21464 of 2015

and

M.P. (MD) .No.1 and 2 of 2015

M.Rajendran

... Petitioner

Vs.

1.The District Collector/
Inspector of Panchayats,
Trichy, Trichy District.

2.Lalgudi Panchayat Union,
Rep by its Commissioner/
Block Development Officer(Panchayat)
Lalgudi, Trichy District.

3.T.Gunaseelan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for records pertaining to the impugned order passed by the first respondent in Na.Ka.Aa3/963/2015, dated 11.05.2015 and quash the same.

For Petitioner : Mr.M.Saravanan

For R1 and R2 : Mr.M.Rajarajan

Govt. Advocate

ORDER

The petitioner is aggrieved against the order passed by the first respondent dated 11.05.2015, wherein and whereby he was directed to pay a sum of Rs.2,64,270/- within 15 days failing which, he was threatened with initiation of proceedings under the Tamil Nadu Panchayat Act 1984.

2.According to the impugned proceedings, the petitioner is liable to pay the said sum based on a report filed by the Lalgudi Panchayat Union dated 18.03.2015. The main contention raised in this writ petition challenging the impugned proceedings is that the petitioner was not given any notice before passing the



impugned order and therefore, the principles of natural justice is violated in this case.

3. The learned counsel appearing for the petitioner further submitted that the report of the Lalgudi Panchayat Union dated 18.03.2015, which is the basis for passing the impugned order, is also not furnished to the petitioner. However, the petitioner on 25.05.2015 gave a detailed explanation to the first respondent. When the explanation submitted by the petitioner is pending before the first respondent, the present writ petition is filed before this Court challenging the impugned order dated 11.05.2015.

4. The learned Government Advocate appearing for the first and second respondents submitted that several complaints have been received against the petitioner that he has misappropriated the public fund and therefore, the present impugned proceedings was passed based on the report submitted by the Lalgudi Panchayat Union. Further, he fairly submitted that before passing the order, the petitioner was not put on notice and therefore, the very impugned proceedings may be treated as notice and consequently, the first respondent will consider the explanation given by the petitioner dated 25.05.2015 and pass fresh orders on merits and in accordance with law. He further submitted that the copy of the report of the Lalgudi Panchayat Union dated 18.03.2015, which is cited as a reference in the impugned order, will also be furnished to the petitioner immediately.

5. Considering the above stated facts and circumstances and also considering the fact that the impugned order came to be passed in violation of principles of natural justice, I am of the view that the same cannot be sustained solely on that ground without going into the other merits and contentions raised by the respective parties.

6. As it is stated by the learned Government Advocate that the impugned proceedings can be treated as show cause notice, the writ petition is disposed of in the following terms;

(a) the first respondent is directed to treat the impugned order dated 11.05.2015 as the show cause notice issued to the petitioner.

(b) The first respondent shall furnish the copy of the report given by the Lalgudi Panchayat Union dated 18.03.2015 to the petitioner within a period of seven days from the date of receipt of a copy of this order.

(c) On receipt of the copy of the report from the first respondent, the petitioner shall make further explanation if any, within a period of seven days thereafter.

<https://hcservices.ecourts.gov.in/hcservices> On receipt of further explanation if any, the first respondent will consider the explanation already given by the petitioner dated 25.05.2015 along with further explanation if any,



and pass order on the same on merits and in accordance with law within a period of two weeks thereafter. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar

To

1.The District Collector/
Inspector of Panchayats,
Trichy, Trichy District.

2.The Commissioner/
Block Development Officer (Panchayat) Lalgudi Panchayat Union,
Lalgudi, Trichy District.

+1cc to Mr.R.Subramanian, Advocate Sr.No.70295

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AA/GSV-AN/21.12.2015/3p-4c

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